

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
May 7, 2007

D050771 Zanetti v. The Superior Court of San Diego County/Antorietto
The petition is denied.

D047875 People v. Soper
The petition for rehearing is denied.
It is ordered that the opinion filed herein on April 10, 2007, is modified

D049988 In re Natural Gas Anti-Trust Cases I, II, III, IV
D049989 In re Natural Gas Anti-Trust Cases I, II, III, IV
The petition in *In re Natural Gas Anti-Trust Cases I, II, III, IV* (D049988) will be considered with the petition in *In re Natural Gas Anti-Trust Cases I, II, III, IV* (D049989). All further documents filed with the court should be filed under the case number to which the documents pertain.

D049988 In re Natural Gas Anti-Trust Cases I, II, III, IV
The Superior Court of San Diego County is ordered to show cause why the relief requested should not be granted. Real parties in interest may submit a return to the order to show cause on or before June 1, 2007. Petitioner may submit a reply on or before June 22, 2007. Absent a written request on or before June 29, 2007, oral argument will be deemed waived. If a party requests oral argument, the request should be in letter form with proof of service on the other parties. The letter should also identify the focus of the party's argument and the amount of time requested, not to exceed 15 minutes.

D049989 In re Natural Gas Anti-Trust Cases I, II, III, IV
The Superior Court of San Diego County is ordered to show cause why the relief requested should not be granted. Real parties in interest may submit a return to the order to show cause on or before June 1, 2007. Petitioner may submit a reply on or before June 22, 2007. Absent a written request on or before June 29, 2007, oral argument will be deemed waived. If a party requests oral argument, the request should be in letter form with proof of service on the other parties. The letter should also identify the focus of the party's argument and the amount of time requested, not to exceed 15 minutes.

D050797 Alexandra S. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency
The notice of intent to file writ petition and request for record, rule 8.452, filed in the San Diego Superior Court on April 27, 2007, is untimely. The case is accordingly dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

May 7, 2007 (Continued)

D050648 Juanita P. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Enrique R. has notified the court that a petition for writ of mandate under California Rules of Court, rule 8.452 and 5.600 will not be filed as there are no viable issues for writ review. The case as to Enrique R. is dismissed.

D050818 Chambers et al. v. Superior Court of San Diego County/Wisnieskiet al.

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
May 8, 2007

D049651 People v. Simon

The judgment is affirmed. Haller, Acting P.J.; We Concur: Aaron, J., Irion, J.

D049780 In re Claudia R. et al., Juveniles

The court's jurisdictional findings under section 300, subdivision(g) are stricken. In all other respects, the jurisdictional orders are affirmed. The appeal from the dispositional orders is dismissed as moot. Benke, J.; We Concur: McConnell, P.J., McIntyre, J.

D050803 In re Ariana C. et al., Juveniles

Appellant's notice of appeal, filed in the San Diego County Superior Court on April 30, 2007, purports to appeal the juvenile court's March 21, 2007 orders sustaining the allegations of a section 342 petition and continuing the minors in out of home care. However, at that hearing, the court referred the matter for a section 366.26 selection and implementation hearing. All issues arising out of contemporaneous findings and orders made by the court in setting a section 366.26 hearing must be challenged by extraordinary writ. (' 366.26, subd. (1); In re Anthony B. (1999) 72 Cal.App.4th 1017, 1022-1023.) Appellant failed to timely file notice of intent and request for record (Cal. Rules of Court, rule 8.452) to challenge the court's orders. Accordingly, the appeal is DISMISSED.

D050635 Christi M. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Christi M. has notified the court that a petition for writ of mandate under California Rules of Court, rule 8.452 and 5.600 will not be filed as there are no viable issues for writ review. The case is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
May 9, 2007

D048037 People v. Tighe

The judgment is affirmed. Aaron, J.; We Concur: Benke, Acting P.J., Huffman, J.

D049096 Cannon v. Riverside Court of Appeal et al.

The order is affirmed. O'Rourke, J.; We Concur: Haller, Acting P.J., Irion, J.

D048549 In re the Estate of Allen E. Paulson

The order is affirmed. O'Rourke, J.; We Concur: Nares, Acting P.J., McDonald, J.

D047977 In re the Marriage of Hood

The judgment is affirmed. Huffman, Acting P.J.; We Concur: McIntyre, J., Aaron, J.

D049850 In re Juan T., a Juvenile

The orders are affirmed. Irion, J.; We Concur: Nares, Acting P.J., McDonald, J.

D048076 Singh v. Board of Trustees of The California State University

The petition for rehearing is denied.

D049885 In re Christian M., a Juvenile

The judgment is affirmed. O'Rourke, J.; We Concur: Haller, Acting P.J., Irion, J.

D050511 Hagerty et al. v. Escondido Union School District et al.

The appeal filed April 9, 2007, is dismissed because appellant did not timely deposit costs for preparing the record.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
May 10, 2007

D049149 People v. Dunham

The judgment is affirmed. O'Rourke, J.; We Concur: McConnell, P.J., Aaron, J.

D050336 In re Jesse M., a Juvenile

The appeal is dismissed. Irion, J.; We Concur: Huffman, Acting P.J., Haller, J.

D048802 People v. Panza

The judgment is affirmed. Haller, J.; We Concur: Benke, Acting P.J., O'Rourke, J.

D050131 In re Anthony L-C., a Juvenile

The appeal is dismissed. Benke, Acting P.J.; We Concur: Huffman, J., McIntyre, J.

D050442 In re Isaac F., a Juvenile

The appeal is dismissed. Huffman, J.; We Concur: McConnell, P.J., Benke, J.

D050819 In re Lached R., a Juvenile

This matter has been reviewed by Presiding Justice McConnell, Associate Justices Huffman and McIntyre. The notice of appeal is untimely. The appeal is accordingly dismissed.

**D049205 California State Parks Foundation et al. v. Superior Court of San Diego
County/Foothill/Eastern Transportation**

Let a writ of mandate issue directing the respondent Superior Court for the County of San Diego to vacate its order of July 26, 2006, transferring venue to the Orange County Superior Court. The stay issued by this court on September 7, 2006, is vacated. Costs on the writ proceeding are awarded to petitioners. CERTIFIED FOR PUBLICATION. Nares, Acting P.J.; We Concur: McDonald, J., Irion, J.

D050257 In re J. L. et al, Juveniles

The appeal is dismissed. McConnell, P.J.; We Concur: Huffman, J., O'Rourke, J.

D047979 Henry v. Consumer Portfolio Services Inc., et al.

The request for publication of the opinion is denied.

**D050170 Lowe's Home Improvement Warehouse et al. v. Workers' Compensation
Appeals Board/Bullard**

The petition is denied.

D50789 In re Lugo on Habeas Corpus

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
May 10, 2007 (Continued)

D050738 In re Velarde on Habeas Corpus

The petition is denied.

D050777 In re Sullivan on Habeas Corpus

The petition is denied.

D050644 In re Murphy on Habeas Corpus

The petition is denied.

D050641 In re Cohea on Habeas Corpus

The petition is denied.

D050691 Hadorn-Kiko v. The Superior Court of San Diego County/Kiko

The petition for writ of mandate, response and reply have been read and considered by Presiding Justice McConnell and Associate Justices Huffman and McIntyre. The stay issued April 24, 2007 is VACATED. The petition is dismissed as moot in light of Judge Dahlquist's disqualification.

D050648 Juanita P. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Juanita P. has notified the court that a petition for writ of mandate under California Rules of Court, rule 8.452 and 5.600 will not be filed as there are no viable issues for writ review. The case is dismissed.

D050685 In re Yancy on Habeas Corpus

The petition is denied.

D050827 1835 Columbia Street L.P. v. Superior Court of San Diego County/Taylor

The petition is denied.

D050201 In re Fekadu on Habeas Corpus

The petition is denied.

D050255 Rhodes v. Superior Court of San Diego County/People

The petition is denied.

D050198 In re Castle on Habeas Corpus

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
May 11, 2007

D050308 MKJA, Inc., et al. v. Superior Court of San Diego County/123 Fit Franchising et al.

The petition is denied.

D049344 In re Hailie G., a Juvenile

The appeal is dismissed as moot. Irion, J.; We Concur : Nares, Acting P.J., McDonald, J.

D050515 Eugene W. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Lisa M. has notified the court that a petition for writ of mandate under California Rules of Court, rules 8.452 and 5.600 will not be filed as there are no viable issues for writ review. The case as to Lisa M. is dismissed.

D050337 Lisa M. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Lisa M. has notified the court that a petition for writ of mandate under California Rules of Court, rules 8.452 and 5.600 will not be filed as there are no viable issues for writ review. The case is dismissed.

D050598 Judith M. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Judith M. has notified the court that a petition for writ of mandate under California Rules of Court, rules 8.452 and 5.600 will not be filed as there are no viable issues for writ review. The case is dismissed.

D048075 Sidock v. City of Chula Vista

The judgment is affirmed. Aaron, J.; We Concur: Nares, Acting P.J., McIntyre, J.

D050199 In re Joel Brown on Habeas Corpus

The petition is denied.

D050129 In re Joel Brown on Habeas Corpus

The petition is denied.

D050602 Imperial County Department of Social Services/Edgar F. et al.

Let a writ issue directing the superior court to vacate its orders of March 21, 2007, and April 3, 2007, setting the joint hearing and denying reconsideration. The stay issued by this court on April 5, 2007 is vacated. No costs are awarded. The opinion will be final immediately as to this court. (Rule 8.264(b)(3).) Huffman, J.; We Concur: McConnell, P.J., McIntyre, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
May 11, 2007 (Continued)

D049849 In re Angel T., a Juvenile

The judgment is affirmed. Huffman, Acting P.J.; We Concur: Haller, J., McDonald, J.

D050247 In re Gianna T., a Juvenile

Upon written request filed by appellant, the appeal is DISMISSED and the remittitur is ordered to issue immediately.

D049790 In re Marriage of Alva

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 8.220(a). The appeal is DISMISSED.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
May 14, 2007

D047941 People v. James

The judgment is affirmed. Benke, Acting P.J.; We Concur: McIntyre, J., Aaron, J.

D048404 Loggins v. Kaiser Permanente International et al.

The judgment is affirmed. Kaiser is entitled to cost on appeal. McDonald, J.; We Concur: Huffman, Acting P.J., Irion, J.

D050313 Lingo v. Ewing

Upon written request filed by appellant, the appeal is dismissed and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.244(c)(2)).

D050651 Anderson v. Vista Pioneers I, Inc., et al.

The motion to dismiss the appeal and opposition have been read and considered by Presiding Justice McConnell and Associate Justices McIntyre and O'Rourke. The motion to dismiss is GRANTED. The appeal is DISMISSED.

D050828 Christopher v. Superior Court of San Diego/People

The petition is denied.

D050163 Moon on Habeas Corpus

The petition is denied.

D049970 In re Cardwell on Habeas Corpus

The petition is denied.

Court convened at 9:00 a.m.

Present: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justices Patricia Benke and Cynthia Aaron
Clerk: D. Moore

D048171 People v. Lastra

Cause called on merits. Christian Buckley, Esq. argued for appellant. Kristin Buie, Deputy Attorney General argued for respondent. Mr. Buckley replied. Cause submitted.

D048744 Lopez v. Vu

Cause called on merits. Cause called on merits. Gary Jones, Esq. argued for appellant. Dan H. Deuprey, Esq. argued for respondent. Mr. Jones replied. Cause submitted.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

May 14, 2007 (Continued)

Court recessed at 9:34 a.m. to change panel members. New panel members: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justices Patricia Benke and James McIntyre

D048901 Poway Unified School District v. Stewart

Cause called on merits. No appearance by Ms. Stewart. Penelope Renee Glover, Esq. was present in oral argument for respondent, and submitted on the briefs. Cause submitted.

D047756 Smith v. Microskills San Diego, L.P.

Cause called on merits. Douglas James Campion, Esq. was present in oral argument for respondent, and submitted on the briefs. No appearance by Microskills San Diego, L.P. Cause submitted.

Court recessed at 9:40 a.m. until 1:30 p.m.

Court reconvened at 1:30 p.m.

Present: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justices James McIntyre and Cynthia Aaron
Clerk: D. Moore

D048720 People v. Harris

Cause called on merits. Jamie L. Popper, Esq. argued for appellant. Meagan J. Beale, Deputy Attorney General argued for respondent. Ms. Popper replied. Cause submitted.

D048156 Canova et al. v. Trustees of Imperial Irrigation District

Cause called on merits. Matthew Joseph Zevin, Esq. argued for appellant. Marc S. Schechter, Esq. was present in oral argument with Mr. Zevin, but did not argue. John E. McDermott, Esq. argued for respondent. Mr. Zevin replied. Cause submitted.

D048421 J. Alvarez Construction Inc., et al. v. Western National Group, L.P.

Cause called on merits. Michael Thomas Taurek, Esq. argued for appellant. Kirk Miller, Esq. argued for respondent. Robert D. Rochelle, Esq. was present in oral argument for respondent, but did not argue. Mr. Taurek replied. Cause submitted.

D048285 SMS.ac., Inc. v. Rowland

Cause called on merits. Mike Battin, Esq. argued for appellant. Jon B. Miller, Esq. argued for respondent. Cause submitted.

Court recessed at 3:33 p.m. until Tuesday, May 15, 2007 at 9:00 a.m.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
May 15, 2007

D047996 People v. Bartoleno

The judgment is modified to reflect imposition of a consecutive term of three years four months for the Penal Code section 12022.53, subdivision (b) enhancement related to the robbery conviction (count 6), resulting in an aggregate determinate term of 45 years in addition to the indeterminate term imposed by the trial court. As modified, the judgment is affirmed. The trial court shall prepare an amended abstract of judgment reflecting this modification and shall forward a copy to the Department of Corrections and Rehabilitation. McDonald, J.; We Concur: Nares, Acting P.J., Irion, J.

D048432 Lua v. Salzetti

The opinion filed on April 17, 2007 is modified. No change in judgment. The petition for rehearing is denied.

D048047 Panther v. Micheli

Summary judgment is affirmed. The request for judicial notice is denied. Costs are awarded to respondent. Huffman, Acting P.J.; We Concur: McDonald, J., McIntyre, J.

D048667 Webb & Carey v. Keenan

The appeal is dismissed. McDonald, Acting P.J.; We Concur: McIntyre, J., O'Rourke, J.

D049948 In re Jeffrey P., a Juvenile

The order is affirmed. Huffman, J.; We Concur: Benke, Acting P.J., McIntyre, J.

D048230 People v. Knight

The judgment is modified to strike the conviction on count 2 for possession of a controlled substance. As so modified, the judgment is affirmed. The trial court shall prepare an amended abstract of judgment in accordance with this opinion and forward a copy of the amended abstract to the Department of Corrections and Rehabilitation. O'Rourke, J.; We Concur: Benke, Acting P.J., Nares, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
May 15, 2007 (Continued)

D047660 Weiss et al. v. Interinsurance Exchange of the Automobile Club

We affirm the trial court's conclusion that the 10 percent limitation applies to the Weisses' claim made under the Avenida Alteras homeowners policy, and that the Weisses' are entitled to take nothing with regard to this claim because the Exchange has paid them 10 percent of the Avenida Alteras policy limits. We reverse the trial court's conclusion that the 10 percent limitation applies to the Weisses' claims made under the Calle Portone and Calle Amanacer homeowners policies. The Exchange should have paid the Weisses' policy limits for unscheduled personal property under both the Calle Portone and Calle Amanacer policies. Because the Exchange previously paid the Weisses' 10 percent of the relevant limits for unscheduled personal property under both of these policies, the Weisses' are entitled to the difference between the relevant policy limits and the amount they have already received from the Exchange. The judgment is therefore reversed insofar as it fails to award the Weisses' the policy limits under the Calle Portone and Calle Amanacer policies. The matter is remanded to the trial court for consideration of any additional issues raised by this court's disposition, including the issue of attorney fees, and for entry of a new judgment consistent with this opinion. Each party shall bear its own costs on appeal. Aaron, J.; We Concur: Huffman, Acting P.J., McDonald, J.

D049586 People v. Govan

The convictions are affirmed. The judgment is reversed as to the upper term sentence imposed on count 1. The sentence is vacated and the matter is remanded for resentencing. CERTIFIED FOR PUBLICATION. Aaron, J.; I Concur: McDonald, J.; I Concur (by opinion): Haller, Acting P.J.

D050047 In re A. U., a Juvenile

The judgment terminating parental rights is reversed. The matter is remanded to the juvenile court with directions to (1) renotice the Indian entities using the proper addresses and designees; (2) give Sonia and A.U.'s father notice of a new section 366.26 hearing; (3) give Sonia notice that appointment of her guardian ad litem will be vacated; (4) after proper notice, vacate the guardian ad litem appointment and hold a new section 366.26 hearing; and in all other respects comply with the directions on remand in case number D047847. The remittitur is to issue forthwith. O'Rourke, J.; We Concur: McConnell, P.J., Huffman, J.

D049900 In re Kevin S. Jr., a Juvenile

The judgment and orders are affirmed. Huffman, Acting P.J.; I Concur: O'Rourke, J.; I Concur In The Result: McDonald, J.

D050626 McCarthy v. McCarthy

Pursuant to California Rules of Court, rule 8.140, the appeal filed April 4, 2007, is dismissed for appellant's failure to timely designate the record (Cal. Rules of Court, rules 8.120(a), 8.130(a).

D050050 In re Christopher W., a Juvenile

The judgment is affirmed. McIntyre, J.; We Concur: McConnell, P.J., Huffman, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
May 15, 2007 (Continued)

D050219 In re Blankenship on Habeas Corpus

The petition is denied.

D050820 Franklin v. Superior Court of San Diego County/People

The petition is denied.

D050796 Schaffman v. Superior Court of San Diego County/Honarvar

The petition is denied.

D050256 Lias v. Superior Court of San Diego County/Nobel Court Development, LLC

The petition is denied.

D050175 In re Vasquez

The petition is denied.

Court convened at 9:00 a.m.

Present: the Honorable Richard Huffman, Acting Presiding Justice, and The Honorable Associate Justices Alex McDonald and Terry O'Rourke
Clerk: D. Moore

D049528 In re Mariah N., a Juvenile

Cause called on merits. Laura Lee Furness, Esq. argued for appellant. Robert W. Gehring, Esq. argued for the minor. Paula Roach, Deputy County Counsel argued for respondent. Ms. Furness replied. Cause submitted.

D049197 Munoz et al. v. Pacific Bay Homes, LLC

Cause called on merits. Andrew Duff Weiss, Esq. argued for appellant. Richard J. Ritchie, Esq. argued for respondent. Mr. Weiss replied. Cause submitted.

Court recessed at 9:34 a.m. to change panel members. New panel members: The Honorable Richard Huffman, Acting Presiding Justice, and The Honorable Associate Justices Alex McDonald and Joan Irion

D048337 Shanoski v. Neiman

Cause called on merits. Barry D. Mills, Esq. argued for appellant. Tim Calvin, Esq. argued for respondent. Mr. Mills replied. Cause submitted.

Court recessed at 10:04 a.m. until 1:30 p.m.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
May 15, 2007 (Continued)

Court reconvened at 1:30 p.m.

Present: The Honorable Richard Huffman, Acting Presiding Justice, and The Honorable Associate Justices Alex McDonald and Terry O'Rourke
Clerk: D. Moore

D048742 People v. Love

Cause called on merits. Susan K. Keiser, Esq. argued for appellant. Ray DiGuiseppe, Deputy Attorney General argued for respondent. Ms. Keiser replied. Cause submitted.

D048716 People v. Miller

Cause called on merits. Martha M. Hall, Esq. argued for appellant. Teresa Torreblanca, Deputy Attorney General argued for respondent. Ms. Hall replied. Cause submitted.

D048281 Jones v. R. J. Donovan Correctional Facility et al.

Cause called on merits. Leah Marie Peer, Esq. argued for appellant. Theodore S. Dracar, Esq. argued for respondent. Ms. Peer replied. Cause submitted.

Court recessed at 2:50 a.m. to change panel members. New panel members: The Honorable Richard Huffman, Acting Presiding Justice, and The Honorable Associate Justices Terry O'Rourke and Joan Irion

D048168 Mirabella Design Build v. Matthias Von Herrath et al.

Cause called on merits. Audrey Powers Thornton, Esq. argued for appellant. Steven A. McKinley, Esq. argued for respondent. Mr. Thornton replied. Cause submitted.

D048969 Pimentel v. Pacific Specialty Insurance Company

Cause called on merits. Donald Mitchell DeCamara, Esq. argued for appellant. Jay R. Dove, Esq. argued for respondent, Mathias. Michelle Kelli Burton, Esq. argued for respondent, Pacific Specialty Insurance Company. Mr. DeCamara replied. Cause submitted.

Court recessed at 4:06 p.m. until Wednesday, May 16, 2007 at 9:00 a.m.

D050218 In re Blankenship on Habeas Corpus

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
May 16, 2007

D047740 People v. Booth

The petition for rehearing is denied.

D049069 People v. Cartwright

The judgment is affirmed. Irion, J.; We Concur: Nares, Acting P.J., Aaron, J.

D050267 Zoological Society of San Diego v. Gleason

Upon filing a written abandonment of appeal, the appeal is dismissed and the remittitur is ordered to issue immediately.

D049796 Roddy v. Superior Court of San Diego County/Brown

Let a peremptory writ of mandate issue directing the superior court to: (1) vacate its October 27, 2006 order directing Roddy or other persons to disclose the DMV source list to Defendants; and (2) issue a new order sustaining Roddy's objections to Defendants' subpoenas duces tecum to the extent they require disclosure of the DMV source list to Defendants. Our November 20, 2006 stay of the superior court's orders directing Roddy to disclose the DMV source list is vacated. The parties are to bear their own costs in this writ proceeding. McDonald, J.; We Concur: Nares, Acting P.J., Haller, J.

D049769 Guillen v. Superior Court of Imperial County/Cole

Let a peremptory writ of mandate issue directing the superior court to: (1) vacate its order denying Guillen's objections to Cole's subpoenas duces tecum to the extent they required Guillen to disclose the DMV source list to Cole; and (2) issue a new order sustaining Guillen's objections to Cole's subpoenas duces tecum to the extent they require disclosure of the DMV source list to Cole. Our November 15, 2006 stay of the superior court's order directing Guillen to disclose the DMV source list is vacated. The parties are to bear their own costs in this writ proceeding. McDonald, J.; We Concur: Nares, Acting P.J., Haller, J.

D049781 In re Tomi L., a Juvenile

The orders are affirmed. McDonald, J.; We Concur: McConnell, P.J., McIntyre, J.

D050516 A.O. Reed & Company et al. v. Workers' Compensation Appeals Board and Armando Gallegos

The petition is denied.

D048850 People v. White

The judgment is affirmed. McIntyre, J.; We Concur: Nares, Acting P.J., Aaron, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
May 16, 2007 (Continued)

D046668 Vasquez v. State of California

The orders are affirmed. Vasquez is entitled to costs on appeal. McConnell, P.J.;
We Concur: Benke, J., Nares, J.

Court convened at 9:00 a.m.

Present: The Honorable Judith Haller, Acting Presiding Justice, and The Honorable Associate
Justices Terry O'Rourke and Joan Irion
Clerk: D. Moore

D048132 Seapoint Properties, LLC v. Henrich

Cause called on merits. William M. Henrich, Esq. argued for appellant. Robert Berton, Esq.
argued for respondent. Mr. Henrich replied. Cause submitted.

D048107 People v. Samaniego

Cause called on merits. Siri Shetty, Esq. argued for appellant. Eric A. Swenson, Deputy
Attorney General argued for respondent. Ms. Shetty replied. Cause submitted.

Court recessed at 10:08 a.m. to change panel members. New panel members: The Honorable
Richard Huffman, Acting Presiding Justice, and The Honorable Associate Justices Judith Haller
and Joan Irion

D048358 People v. Lowther

Cause called on merits. Siri Shetty, Esq. argued for appellant. Stephanie Chow, Deputy
Attorney General argued for respondent. Ms. Shetty replied. Cause submitted.

D047786 People v. Willis

Cause called on merits. Daniel J. Kessler, Esq. argued for appellant. Quisteen Shum, Deputy
Attorney General argued for respondent. Mr. Kessler replied. Cause submitted.

Court recessed at 10:36 a.m. to change panel members. New panel members: The Honorable
Richard Huffman, Acting Presiding Justice, and The Honorable Associate Justices Gilbert Nares
and Joan Irion

D047643 People v. Mendoza

Cause called on merits. John L. Staley, Esq. argued for appellant. Maxine Cutler, Deputy Attorney
General argue for respondent. Cause submitted.

Court recessed at 11:00 a.m. until 1:30 p.m.

Court reconvened at 1:30 p.m.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

May 16, 2007 (Continued)

Present: The Honorable Patricia Benke, Acting Presiding Justice, and The Honorable Associate Justices Gilbert Nares and Terry O'Rourke

Clerk: D. Moore

D046853 People v. Hunter

Cause called on merits. Susan K. Keiser, Esq. argued for appellant. Arlene Sevidal, Deputy Attorney General argued for respondent. Ms. Keiser replied. Cause submitted.

Court recessed at 2:00 p.m. until Thursday, May 17, 2007 at 9:00 a.m.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
May 17, 2007

D049533 In re Guzman on Habeas Corpus

The petition is denied.

D050171 Gallagher Bassett Services, Inc. v. Workers' Compensation Appeals Board et al.

The petition is denied.

D049439 In re Cheyenne B., a Juvenile

The order is affirmed. McDonald, J.; We Concur: Benke, Acting P.J., O'Rourke, J.

D048452 People v. Little

The court's imposition of an upper term sentence on the assault on Malone by means of force likely to produce great bodily injury is reversed, and we remand this matter for further proceedings not inconsistent with this opinion and *Cunningham, supra*, 127 S.Ct. 856. In all other respects, the judgment is affirmed. Nares, Acting P.J.; We Concur: Haller, J., Irion, J.

D045992 People v. Barno

The judgment is affirmed. Nares, Acting P.J.;
We Concur: Haller, J., McDonald, J.

D050132 In re E.C., a Juvenile

The appeal is dismissed. Benke, Acting P.J.; We Concur: Nares, J., Irion, J.

D049623 Cardinal Health 301, Inc. v. Tyco Electronics Corporation et al./Remec, Inc.

The petition for rehearing is denied.

D049605 People v. Ibarra

The judgment is affirmed. Benke, Acting P.J.; We Concur: Huffman, J., Irion, J.

Court convened at 9:00 a.m.

Present: The Honorable Gilbert Nares, Acting Presiding Justice, and The Honorable Associate Justices Judith Haller and Alex McDonald
Clerk: D. Moore

D049778 Giovanni B. v. Superior Court

Matter called on merits. Joan F. Dawson, Deputy City Attorney argued for real party in interest. Yahairah Aristy, Deputy Public Defender argued for petitioner. Matter submitted.

Court recessed at 9:24 a.m. to change panel members. New panel members: The Honorable Judith Haller, Acting Presiding Justice, and The Honorable Associate Justices Alex McDonald and James McIntyre

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
May 17, 2007 (Continued)

D048038 San Diego County Employees Retirement Association v. County of San Diego/Hickey et al. RPI

Cause called on merits. William Johnson, Jr., Deputy County Counsel argued for appellant. Michael A. Conger, Esq. argued for intervenor and respondent, Hickey. Steven P. Rice, Esq. argued for respondent, San Diego County Employees Retirement. Mr. Johnson replied. Cause submitted.

Court recessed at 10:35 a.m. to change panel members. New panel members: The Honorable Judith Haller, Acting Presiding Justice, and The Honorable Associate Justices Alex McDonald and Joan Irion

D048425 People v. Cortez

Cause called on merits. No appearance by appellant's counsel. Janelle Boustany, Deputy Attorney General was present in oral argument for respondent and submitted on the briefs. Cause submitted.

Court recessed at 10:48 a.m. until 1:30 p.m.

Court reconvened at 1:30 p.m.

Present: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justices Gilbert Nares and James McIntyre
Clerk: D. Moore

D047973 Hull v. Safeway, Inc.

Cause called on merits. Thomas J. Molta, Esq. argued for appellant. Jonathan Allan Klein, Esq. argued for respondent. Mr. Molta replied. Cause submitted.

Court recessed at 1:48 p.m. until Friday, May 18, 2007 at 9:00 a.m.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
May 18, 2007

D050252 In re Blanche on Habeas Corpus

The petition is denied.

D050251 In re Lee on Habeas Corpus

The petition is denied.

D050791 Bailey et al. v. The Superior Court of San Diego County/Lafferty et al.

The petition is denied.

D050223 In re Aguilar on Habeas Corpus

The petition is denied.

D050249 Juan R. v. Superior Court of San Diego County/San Diego Health and Human Services Agency

The petition is denied. Haller, J.; We Concur: Nares, Acting P.J., McDonald, J.

D0550853 In re Vega on Habeas Corpus

The petition and request for appointment are denied without prejudice to refile in the Court of Appeal, Fourth Appellate District, Division Two, 3389 Twelfth Street, Riverside, CA 92501. The clerk is directed to retain one copy of the petition for our records and to return the original petition and all other copies to Vega so he may file them in the appropriate court.

D050845 Stier v. Superior Court of San Diego County/People

The petition is denied.

D050439 In re D.F., a Juvenile

The appeal is dismissed. Huffman, J.; We Concur: McConnell, P.J., Aaron, J.

D049817 In re C.Y. et al., Juveniles

The judgment is affirmed. McConnell, P.J.; We Concur: Huffman, J., Irion, J.

D049283 People v. Nychay

The petition for rehearing is denied.

D050770 California Traditions, Inc. v. Superior Court of San Diego County/Wood

The petition is denied.

D049286 People v. Chavira

The judgment is affirmed. McConnell, P.J.; We Concur: Huffman, J., McDonald, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
May 18, 2007 (Continued)

D050847 In re O'Shell on Habeas Corpus

The petition is denied.

D050309 In re Duncan on Habeas Corpus

The petition is denied.

D049402 People v. Scalf

The judgment is affirmed. Huffman, J.; We Concur: McConnell, P.J., Haller, J.

D048254 People v. Gomez

The judgment is reversed. Huffman, Acting P.J.; We Concur: Haller, J., O'Rourke, J.

D050699 Araceli R. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Araceli R. has notified the court that a petition for writ of mandate under California Rules of Court, rule 8.452 and 5.600 will not be filed as there are no viable issues for writ review. The case is dismissed.

D050140 People v. Hardy

Upon filing an abandonment of appeal, personally signed by the defendant, the appeal is DISMISSED and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.316.)

Court convened at 9:00 a.m.

Present: The Honorable Patricia Benke, Acting Presiding Justice, and The Honorable Associate Justices Gilbert Nares and Cynthia Aaron
Clerk: D. Moore

D049698 In re Ruby Q. et al., Juveniles

Cause called on merits. Maryann Marisa Milcetic, Esq. argued for appellant, Roman R. Patti Dikes, Esq. argued for appellant, Silvia Q. Valerie Lankford, Esq. argued for the minor. Gary Seiser, Deputy County Counsel argued for respondent. Ms. Milcetic replied. Cause submitted.

D048441 California Association of Realtors v. Barry

Cause called on merits. Douglas A. Pettit, Esq. argued for appellant. Marie Polizzi Holweger, Esq. argued for respondent. Mr. Pettit replied. Cause submitted.

Court recessed at 10:00 a.m. to change panel members. New panel members: The Honorable Patricia Benke, Acting Presiding Justice, and The Honorable Associate Justices James McIntyre and Cynthia Aaron

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
May 18, 2007 (Continued)

D048640 Juarez, et al. v. Arcadia Financial, Ltd.

Cause called on merits. Carol McLean Brewer, Esq. argued for appellant. Jan Chilton, Esq. argued for respondent. Ms. McLean replied. Cause submitted.

Court recessed at 10:57 until 1:30 p.m.

Court reconvened at 1:30 p.m.

Present: The Honorable Richard Huffman, Acting Presiding Justice, and The Honorable Associate Justices Alex McDonald and Joan Irion
Clerk: D. Moore

D044695 Pointe San Diego Residential Community L.P. et al. v. W.W.I. Properties, LLC et al.

Cause called on merits. Irving H. Greines, Esq. argued for appellant/cross-respondent, Palomba Weingarten and etc. Vincent H. Chieffo, Esq. argued for appellant/cross-respondent, W.W.I. Properties, LLC and etc. John Morris, Esq. argued for respondent/cross-appellant, Pointe San Diego Residential Community and etc. Michael Warren Vivoli, Esq. was present in oral argument for respondent/cross-appellant, Pointe San Diego Residential Community and etc., but did not argue. Mr. Greines replied. Mr. Chieffo replied. Mr. Morris replied. Cause submitted.

Court adjourned at 3:10 p.m.